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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,578	3 10/30/2003		Gary R. Buhrman	7278-113 7679	
30565	7590	03/19/2004	· v····	EXAMINER	
WOODAR BANK ONE		ARDT, MORIART //TOWER	CEGIELNIK, URSZULA M		
111 MONU	MENT CII	RCLE, SUITE 3700	ART UNIT	PAPER NUMBER	
INDIANAPOLIS, IN 46204-5137				3712	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Total MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		Application No.	Applicant(s)				
Diszulla M Cegleinik 3712		10/697,578	BUHRMAN ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherlors of the time right a salidation and of 37 CPT i 136(a) in no cont. however, may a reply be timely filed to the period for reply specified above is less than thirty (30) days, a reply within the statutory miniman of thirty (30) days, and it is considered finely. If the period for reply specified above is less than thirty (30) days, a reply within the statutory miniman of thirty (30) days, and it is considered finely. If No period for reply specified above is less than thirty (30) days, a reply within the statutory miniman of thirty (30) days, and it is considered finely. If No period to reply specified above is less than thirty (30) days, a reply within the statutory miniman of thirty (30) days, and it is considered finely. If No period to reply specified above is less than thirty (30) days, a reply within the statutory miniman of thirty (30) days will be considered finely. If No period to reply specified above is less than thirty (30) days, and a reply and villegate (30) (30) (30) (31) (31) (31) (31) (31) (31) (31) (31	Office Action Summary	Examiner	Art Unit				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-28 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-28 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some Co None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Priority documents have been received in Application form the International Bureau (PCT Rule 17.2(a)). **See the attached detailed Office action for a list of the certified copies	Status						
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Application/Control Number: 10/697,578

Art Unit: 3712

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-12, drawn to a modular toy building kit, classified in class 52, subclass 284.
- II. Claims 13-22, drawn to a connector and panel set, classified in class 312, subclass 223.1.
- III. Claims 23-28, drawn to a toy set, classified in class 446, subclass 85.

 The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions such as a puzzle set and cabinet construction.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper

Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions such as a toy vehicle construction set, and a doll and dollhouse play set.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper

Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions such as cabinet construction, and a doll and dollhouse play set.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Charles Meyer on 17 March 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik Assistant Examiner Art Unit 3712

> DERRIS H. BANKS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700